

Amendment No. 1 to SB1574

Kelsey  
Signature of Sponsor

**AMEND Senate Bill No. 1574\***

**House Bill No. 1940**

by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) There is created within the Tennessee bureau of investigation a registry of persons convicted of the following offenses committed against a victim who meets the criteria of a domestic abuse victim, as defined by § 39-13-111(a):

- (1) Aggravated assault, pursuant to § 39-13-102(a), (b), or (c);
- (2) First degree murder, pursuant to § 39-13-202;
- (3) Second degree murder, pursuant to § 39-13-210;
- (4) Voluntary manslaughter, pursuant to § 39-13-211;
- (5) Aggravated rape, pursuant to § 39-13-502;
- (6) Rape, pursuant to § 39-13-503;
- (7) Aggravated sexual battery, pursuant to § 39-13-504;
- (8) Sexual battery, pursuant to § 39-13-505;
- (9) Kidnapping, pursuant to § 39-13-303;
- (10) Aggravated kidnapping, pursuant to § 39-13-304;
- (11) Especially aggravated kidnapping, pursuant to § 39-13-305;
- (12) An attempt to commit any of the offenses listed in subdivisions (a)(1)

- (11); or

(13) Any other offense for which the sentencing court makes a written finding that the specific circumstances of the offense warrants the defendant's

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addition to the domestic abuse registry. Upon requiring a person's inclusion on the domestic abuse registry pursuant to this subdivision (a)(13), the court shall instruct the clerk to forward the conviction to the Tennessee bureau of investigation as required in subsection (d).

(b) The domestic abuse registry shall be maintained by the Tennessee bureau of investigation based upon information supplied to the bureau by the court clerks pursuant to subsections (c) and (d), and the registry shall be made available for public inquiry on the website of the Tennessee bureau of investigation. The registry may be maintained as a subset of any registry currently maintained by the Tennessee bureau of investigation. If the domestic abuse registry is maintained as a subset of another registry, the Tennessee bureau of investigation shall create appropriate administrative barriers to indicate that a person on the domestic abuse registry has not, solely by virtue of being on the domestic abuse registry, been added to any other registry and is not subject to any restrictions that may be imposed on persons who are on any other registry.

(c)

(1) The registry shall contain the following information concerning each offender convicted of an offense listed in subsection (a):

(A) The offender's name and date of birth;

(B) The offense for which the offender was convicted requiring the offender's inclusion on the registry;

(C) The date the offense was committed and date of conviction;  
and

(D) The county in which the offense was committed.

(2) If the offender has multiple convictions requiring the offender's inclusion on the registry, the information listed in subdivision (1) shall be included on the registry for each applicable offense.

(3) If available after reasonable inquiry, the clerk of the court in which the offender was convicted shall provide the Tennessee bureau of investigation with the offender's driver license number and issuing state, any other state or federal identification number, and such other identifying data as the bureau determines is necessary to properly identify the offender required to register and exclude innocent persons. However, the registry available for public inquiry shall not include the person's social security number, driver license number, or any other state or federal identification number.

(d) The clerk of the court in which a conviction listed in subsection (a) occurs shall forward a copy of the judgment of conviction and date of birth of the offender to the Tennessee bureau of investigation. The information shall be forwarded to the bureau within forty-five (45) days of the date of receipt of the judgment of conviction. The applicable clerk may forward the information required by this subsection (d) electronically.

(e) Except as provided in subsections (f) and (g), the Tennessee bureau of investigation shall remove from the registry the name and other identifying information of an offender after ten (10) years from the date of the offender's most recent conviction for an offense listed in subsection (a). If a conviction for an offense described in subsection (a) becomes eligible for expunction, the name and other identifying information of that

offender shall be removed from the registry by the Tennessee bureau of investigation upon receipt of a copy of the expunction order.

(f) If, at the time of sentencing, the court finds that the specific circumstances of the offense should not require the defendant to be on the registry for ten (10) years, the court may order the defendant's removal from the registry after five (5) years. Such order shall be included on the judgment of conviction to be forwarded to the Tennessee bureau of investigation.

(g) A person who is included on the domestic abuse registry may petition the court that imposed the person's sentence for immediate removal from the registry. The sentencing court may order the removal only upon making written findings that extraordinary circumstances warrant such removal. The court shall forward any such order to the Tennessee bureau of investigation, which shall remove the person's information from the registry within five (5) calendar days from receipt of the order.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to convictions for offenses listed in subsection (a) that are committed on or after that date.